

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Debtor,

Adv. Pro. No. 10-04570 (SMB)

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

JACOB M. DICK REV LIVING TRUST DTD  
4/6/01, individually and as tenant in common,

ESTATE OF JACOB M. DICK, as grantor of the  
Jacob M. Dick Rev Living Trust Dtd 4/6/01,

ANDREA J. MARKS, as trustee and beneficiary of  
the Jacob M. Dick Rev Living Trust Dtd 4/6/01, as  
executor and beneficiary of the Estate of Jacob M.  
Dick, and as trustee of the Article 8.1 Trust created  
under the Jacob M. Dick Rev Living Trust Dtd  
4/6/01,

R. D. A., a minor, as beneficiary of the Article 8.1  
Trust created under the Jacob M. Dick Rev Living  
Trust Dtd 4/6/01,

RIO JOCELYN BREEN, as beneficiary of the  
Article 8.1 Trust created under the Jacob M. Dick  
Rev Living Trust Dtd 4/6/01,

ARTICLE 8.1 TRUST,

SUZANNE BREEN, as beneficiary of the Estate of  
Jacob M. Dick and the Jacob M. Dick Rev Living  
Trust Dtd 4/6/01, and

DOUGLAS J. STURLINGH, as beneficiary of the  
Estate of Jacob M. Dick and the Jacob M. Dick Rev  
Living Trust Dtd 4/6/01,

Defendants.

#### **NOTICE OF MEDIATION REFERRAL AND MEDIATOR SELECTION**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–lll (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in the above-captioned adversary proceeding on December 1, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, the Trustee and Defendants may jointly agree to enter mediation prior to or upon completion of discovery without further court order. Avoidance Procedures, ¶ 5A. Through this Notice of Mediation Referral and Mediator Selection, the Trustee

---

<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

and Defendants (the “Parties”) hereby state that discovery has closed in the above-captioned adversary proceeding and agree to be referred to mandatory mediation at this time.

Further, pursuant to the Avoidance Procedures and the Order, the Parties hereby mutually select the Honorable Allen Hurkin-Torres (Ret.) to act as Mediator in this matter.<sup>2</sup> The Parties further agree to contact the Honorable Allen Hurkin-Torres (Ret.) as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person’s law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: February 4, 2021  
New York, New York

**BAKER & HOSTETLER LLP**

By: /s/ Nicholas J. Cremona  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Nicholas J. Cremona  
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the  
Chapter 7 Estate of Bernard L. Madoff*

---

<sup>2</sup> The Parties note that Honorable Allen Hurkin-Torres (Ret.) is not on the Register of Mediators for the United States Bankruptcy Court for the Southern District of New York, but both parties have consented to use Honorable Allen Hurkin-Torres (Ret.).

**CHAITMAN LLP**

By: /s/ Helen Davis Chaitman \_\_\_\_\_

Helen Davis Chaitman

465 Park Avenue

New York, New York 10022

Phone & Fax: (888) 759-1114

Email: hchaitman@chaitmanllp.com

*Attorney for Defendants*